

REMARKS

This amendment is responsive to the Examiner's Action mailed September 20, 2005. All rejections are respectfully traversed in view of the remarks and amendments herein. Favorable reconsideration of this application is respectfully requested.

In this application, Claims 1-9, 11-22 and 24-30 are pending.

Claims 1, 5, 7, 14, 20, 27, 28, 29 and 30 are herein amended.

Claims 3 and 16 have been cancelled.

Claim 31 has been added.

Claims 1, 14, 27, 28, 29, 30 and 31 are independent claims.

The Office Action rejects claims 1-9, 11-12, 14-22, 24-25 and 27-30 under 35 U.S.C. §102 based on Chang (U.S. Patent No. 6,848,004). Specifically, with respect to claim 1, the Office Action suggests that Chang anticipates "adjusting a bandwidth characteristic...[to] accommodate the first anticipated change in bandwidth requirement" as recited in claim 1. While the cited sections of Chang at Col. 7:61-66 discuss bandwidth computations, Chang employs the computations to select content that conforms to the predicted available bandwidth, as discussed at Col. 10:19-21. Chang, therefore, computes the available bandwidth, then selects content to fit the available bandwidth. In contrast, claim 1 reserves bandwidth capacity in response to traffic demand, rather than selecting traffic that conforms to available bandwidth. In other words, Chang recites a system where the bandwidth availability drives the result, while in claim 1 the traffic demand drives the result by reciting "adjusting a bandwidth characteristic of the communications channel according to the first new value of the bandwidth setting such that communications channel can accommodate the first anticipated change in the bandwidth requirement." To clarify, this bandwidth requirement is responsive to a bandwidth event that dictates an actual usage requirement for setting the bandwidth, as discussed at page 22:11-16.

The Office Action further rejects claim 3. Claim 3 recites the distinguishing features of a second event and a second new value. Therefore, the claimed invention further differs from the Chang disclosure because the claimed invention dynamically adjusts the reserved bandwidth to allow bandwidth demands to be continually boosted

or lowered upon the occurrence of multiple events which require higher or lower bandwidths, as described at page 7:26-27. The Office Action suggests that Chang teaches such continual adjustment of first and second new values for bandwidth settings with respect to claim 3, pointing to Chang Col.8:8-15. The cited sections of Chang '004, however, discuss computation based on the size and load time of a HotMedia applet in a Java class (hmmaster.class), at Col. 8:8-12. Chang does not show, teach, or disclose a continual monitoring and adjustment of bandwidth by detecting a second event indicating a second anticipated change in the bandwidth requirement of a communications channel, calculating a second new value for a bandwidth setting of the communications channel in response to detecting the second event, and further adjusting the bandwidth characteristic of the communications channel according to the second new value of the bandwidth setting such that communications channel accommodates the second anticipated change in the bandwidth requirement, as recited in claim 3. Accordingly, claim 1 has been herein amended with the subject matter of claim 3, as discussed at page 24:19-30, to further clarify and distinguish the present claim 1. Claims 14, 27, 28, 29 and 30, rejected on similar grounds, have also been amended to recite features of claim 3 and are believed allowable for the reasons given above.

The Office Action further rejects claim 4. Chang, however, does not show, teach, or disclose the claimed bandwidth determination factor and accompanying bandwidth event, as discussed at page 21:19-30. Specifically, the cited sections of Chang '004 discuss the above-cited retrieval and computation of the HotMedia Java class file. In contrast, claim 4 recites determining if the bandwidth event contains a bandwidth determination factor, and if the bandwidth event contains a bandwidth determination factor: i) extracting the bandwidth determination factor from the bandwidth event, and ii) calculating the new value for the bandwidth setting based on the bandwidth determination factor. Nowhere in Chang '004 is shown, taught or suggested, alone or in combination, detecting a bandwidth event such as retrieving a particular type of content (i.e. email or streaming video), and identifying a bandwidth determination factor such as a high or low demand for bandwidth exhibited by the particular content type. Claim 4 is therefore distinguishable from Chang '004.

Further, claim 9 further clarifies the type of first and second bandwidth events that result in the claimed bandwidth determination. The Office Action again cites fetching the HotMedia file at 7:12-19 and 7:56-58 in support of this rejection. Chang '004 likewise makes no showing, teaching or suggestion, alone or in combination, of the claimed bandwidth events, specifically first and second browser events including i) an end of a communications session, ii) an end of content processing, and iii) a timeout associated with an earlier bandwidth event, as recited in claim 9. Claim 9 is therefore believed allowable.


Further, claim 31 has been herein added, reciting the features of claims 1, 3, 4, 7 and 9, to further clarify and distinguish the claimed response to adjusting bandwidth requirements in response to bandwidth events, and is therefore believed allowable for the reasons given above.

As the remaining claims depend, either directly or indirectly from claims 1 and 14, which by the above remarks are respectfully submitted as allowable, it is further believed that these remaining claims are also allowable. Based on the foregoing, it is respectfully submitted that Chang does not teach or suggest the above-noted features of the claims, and therefore can neither anticipate the claims under 35 U.S.C. §102, nor render them obvious under 35 U.S.C. §103 when combined with Yu. Accordingly, all the claims of this application are seen to be allowable in view of Chang and the other art of record. Withdrawal of the rejections and allowance of this application are respectfully requested.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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